

1 Douglas C Emhoff (SBN 151049)
2 Email: demhoff@venable.com
3 Tamany Vinson Bentz (SBN 258600)
4 Email: tbentz@venable.com
5 Schuyler B. Sorosky (Cal Bar No. 265367)
6 Email: sbsorosky@venable.com
VENABLE LLP
2049 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 229-9900
Facsimile: (310) 229-9901

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 JUKIN MEDIA, INC., a California
11 corporation,

12 Plaintiff,

13 v.

14 ZOOMIN.TV, a Dutch company,

15 Defendant.

CASE NO. 15-CV-7158-GW-FFM

Hon. George H. Wu

16
17 **JOINT STATUS REPORT**
18 **PURSUANT TO THE COURT'S**
19 **MINUTES OF DEFENDANT**
20 **ZOOMIN.TV'S MOTION TO**
21 **DISMISS AND REQUEST FOR**
22 **CONTINUANCE**

23 Current Hearing Date:

24 Date: January 28, 2016
25 Time: 8:30 a.m.
26 Location: Courtroom 10

27 Plaintiff's Proposed Hearing Date:

28 Date: March 21, 2016
Time: 8:30 a.m.
Location: Courtroom 10

1 Plaintiff Jukin Media, Inc. and Defendant Zoomin.TV pursuant to the
2 Court's direction in the minutes from the hearing on Defendant Zoomin.TV's
3 Motion to Dismiss hereby respectfully submit this joint status report.

4 On November 16, 2015, Defendant Zoomin.TV ("Defendant") filed a
5 Motion to Dismiss ("Motion"). Dkt. 12. Plaintiff Jukin Media, Inc. filed an
6 opposition to Defendant's Motion on November 23, 2015. Dkt. 17. On December
7 21, 2015, the Court continued the hearing on Defendant's Motion to January 28,
8 2016, and directed the parties to try to resolve the case. Dkt. 20.

9 Plaintiff's Position

10 Pursuant to the Court's direction, counsel for the parties discussed a
11 potential resolution of this matter and whether mediation would be helpful.
12 Counsel agreed to mediation and Defendant's counsel proposed Louis Meisinger
13 as the mediator. Plaintiff contacted Mr. Meisinger for his availability and
14 confirmed that he was not available until the week of March 7, 2016. Plaintiff's
15 counsel confirmed Defendant's counsel and Plaintiff are available on March 10th
16 for mediation and accordingly reserved March 10th with Mr. Meisinger. Plaintiff
17 requests that the Court continue the hearing on Defendant's motion to dismiss,
18 which is currently set for January 28, 2016, at 8:30 a.m., to March 21, 2016, so the
19 parties can mediate and try to resolve this matter before the Court enters an order
20 on the motion.

21 Plaintiff has always been willing to resolve this matter and tried numerous
22 times to discuss a resolution before filing the lawsuit. Defendant continuously
23 refused to discuss past infringements, like those in the litigation, or discuss a good
24 faith resolution. After filing the litigation, Plaintiff again tried to discuss a
25 resolution with Defendant, but Defendant refused to discuss payment for past
26 infringements or any other compromise in this matter. Plaintiff also tried to
27 resolve this matter after the Court directed the parties to discuss resolution, but
28 Defendant again refused to discuss a compromise in good faith. Based on this past

1 experience, Plaintiff does not believe Defendant will mediate or act in good faith to
2 resolve this case if the Court does not maintain jurisdiction over this matter.

3 Defendant's Position

4 When the case was filed, Plaintiff was only willing to mediate on conditions
5 which were considered unreasonable and thus, unacceptable to Defendant. After
6 the last hearing, Defendant had settlement discussions with Plaintiff's in-house
7 counsel which were unproductive. The approach Plaintiff took, in the period
8 leading up to these proceedings, and the position Plaintiff took, after the last
9 hearing, have led Defendant to believe that Plaintiff is not sufficiently motivated to
10 discuss and settle this matter in good faith in the absence of a Court ruling
11 incentivizing Plaintiff to take a reasonable position towards mediation. Defendant
12 is still willing to mediate but believes, given the circumstances, that a reasonable
13 settlement will be best achieved if the Court first rules on the Motion and then,
14 Defendant and Plaintiff will mediate. Consequently, Defendant wishes the Court
15 to rule on the Motion. Defendant thereafter commits to engage in mediation and
16 believes it can mediate with Judge Louis M. Meisinger on March 10, 2016.

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2 Dated: January 26 , 2016

VENABLE LLP

3 By: /s/Tamany Vinson Bentz

4 Douglas C. Emhoff
5 Tamany Vinson Bentz
6 Schuyler B. Sorosky
7 Attorneys for Plaintiff Jukin Media,
8 Inc.

9 Dated: January 26, 2016

JOHNSON & JOHNSON LLP

10 By: /s/ Neville L. Johnson

11 Neville L. Johnson
12 Douglas L. Johnson
13 James T. Ryan
14 Jennifer Y. Ro
15 Attorneys for Defendant Zoomin.TV

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VENABLE LLP
2049 CENTURY PARK EAST, SUITE 2100
LOS ANGELES, CA 90067
310-229-9900